

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**TERRENCE ANTHONY,**

**Plaintiff,**

**9:18-cv-849  
(GLS/CFH)**

**v.**

**MICHAEL LYONS et al.,**

**Defendants.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Terrance Anthony  
*Pro Se*  
17-A-1847  
Montgomery County Jail  
P.O. Box 432  
Fultonville, NY 12072

and

115 Nutgrove Lane  
Albany, NY 12202

**FOR THE DEFENDANTS:**

*Michael Lyons, Brian Mooney,  
and William Carhart*  
HON. EUGENIA K. CONDON  
Albany County Attorney's Office  
112 State Street  
Albany, NY 12207

MICHAEL L. GOLDSTEIN  
Assistant County Attorney

*C.O. Miller and Larry*

NO APPEARANCE

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Report-Recommendation and Order (R&R) by Magistrate Judge Christian F. Hummel, duly filed April 12, 2021. (Dkt. No. 92.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 92) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the motion to dismiss for failure to prosecute of defendants Michael Lyons, Brian Mooney, and William Carhart (Dkt. No. 91) is **GRANTED** and all claims against those defendants are **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b) and Local Rules of Practice 10.1(c)(2) and 41.2(b); and it is further

**ORDERED** that all claims against unserved defendants C.O. Miller and Larry are **DISMISSED without prejudice** pursuant to Fed. R. Civ. P. 4(m); and it is further

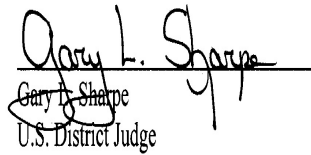
**ORDERED** that plaintiff's third amended complaint (Dkt. No. 50) is **DISMISSED in its entirety without prejudice**; and it is further

**ORDERED** that the Clerk is directed to enter judgment and close this case; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice, and, insofar as plaintiff is concerned, at both addresses listed in the caption of this Order.

**IT IS SO ORDERED.**

April 29, 2021  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge